

“बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी.2-22-छत्तीसगढ़ गजट / 38 सि. से. भिलाई. दिनांक 30-05-2001.”



पंजीयन क्रमांक  
“छत्तीसगढ़/दुर्ग/09/2013-2015.”

# छत्तीसगढ़ राजपत्र

(असाधारण)  
प्राधिकार से प्रकाशित

क्रमांक 367]

रायपुर, बुधवार, दिनांक 26 जुलाई 2023 — श्रावण 4, शक 1945

HIGH COURT OF CHHATTISGARH, BILASPUR

Bilaspur, the 24th July 2023

## NOTIFICATION

No. 9048/Rules/2023.- In exercise of the rule making power under Chapter X of the Code of Civil Procedure, 1908 (5 of 1908) and clause (d) of sub-section (2) of Section 89 of the said Code, the High Court of Chhattisgarh hereby makes the following (Amendment) Rules :-

### **CHHATTISGARH MEDIATION (AMENDMENT) RULES, 2023**

#### **PRE-LITIGATION MEDIATION**

1. Title :-

- (a) These rules shall be called the Chhattisgarh Mediation (Amendment) Rules, 2023.
- (b) They shall come into force from the date of its notification in the Official Gazette.

2. In the Chhattisgarh Mediation Rules, 2015, after Rule 26, the following Rule shall be inserted, namely :-

**26 (A) Pre-Litigation Mediation :** Settlement of Pre-Litigation disputes in the Mediation Centres are to be made in the following manner :-

- (i) There shall be Pre-Litigation desks/clinics at all the Mediation Centres, to make efforts for settlement of matrimonial disputes and other disputes including commercial disputes at Pre-Litigation stage.
- (ii) As per concept of Pre-Litigation mediation, disputes which arise out of legal relationship, matrimonial disputes, matters of civil disputes, money matters, contractual disputes, commercial disputes etc., prior to filing of FIR or filing of cases in any court of law may be received in the Pre-Litigation desks/clinics of the Mediation Centres.
- (iii) A party to a Pre-Litigation dispute, shall make an application in the **Form-1** specified in Schedule-I to the Coordinator of the Mediation Centre by submitting at the Pre-Litigation desk/clinic either by post or by hand mentioning his/her grievance in details.

Provided that in case of domestic violence disputes, the Protection Officer may if he/she considers appropriate refer the grievance of the aggrieved person to Pre-Litigation desk/clinic of the respective Mediation Centres with reasons in writing by annexing the grievance with **Form-1** prior to filing complaint in court of law.

- (iv) The Pre-Litigation commercial disputes shall be governed and dealt with as per the provisions of the Commercial Courts (Pre-Institution Mediation and Settlement) Rules, 2018.
- (v) The Pre-Litigation applications of the parties shall be entered in a Register maintained for the purpose by the Pre-Litigation desks/clinics of the Mediation Centres.
- (vi) After receipt of such application, the Coordinator of the Mediation Centre shall broadly examine the basis and prospect of the claim. If he/she feels just to proceed ahead having regard to the territorial and pecuniary jurisdiction and nature of the dispute, shall issue notice to the opposite party as per **Form-2** specified in Schedule-I either through registered/speed post or electronic means including e-mail to appear on the date mentioned and give consent to participate in the mediation process.
- (vii) Where the notice issued under sub-rule(vi) remains unacknowledged or where the opposite party refuses to participate in the mediation process, the Coordinator shall treat the mediation process to be a non-starter and make a report as per **Form-3** specified in Schedule-I and endorse the same to the applicant and the opposite party.

Provided that in case where the opposite party(s), after receiving the notice under sub-rule(vi) seeks further time for appearance by making a request in writing at least two days before the scheduled date of appearance, the Coordinator may if it thinks fit, fix an alternate day not later than 10 (ten) days from the date of receipt of such request from the opposite party.

- (viii) Where both the parties to the dispute appear before the Coordinator and give consent to participate in the mediation process, the Coordinator shall assign the Pre-Litigation dispute to a Mediator and fix a date for their appearance before the said Mediator and ensure that the mediation process

is completed within a period of three months from the date of application unless the period is extended for further one month with the consent of the applicant and the opposite party.

- (ix) Where both the parties reach at a mutually agreed settlement with regard to all or some points of dispute, the same shall be reduced in to writing by the Mediator and shall be signed by the parties or their power of attorney holder. If any counsel has represented the parties, they shall attest the signature of their respective clients. The Mediator shall sign the agreement endorsing the result of mediation and submit the same to the Coordinator. Thereafter the Coordinator shall endorse the nature of disposal of the application and the result of the mediation thereon and give true copy of the same to the parties. Such settlement agreement shall be as per **Form-4** specified in Schedule-I.
- (x) The Coordinator shall forward the settlement agreement in original to the Secretary, High Court Legal Services Committee or the Secretary, District Legal Services Authority concerned.
- (xi) The above settlement as per **Form-4** shall be forwarded by the Secretary, High Court Legal Services Committee or the Secretary, District Legal Services Authority to the Competent Authority of Lok Adalat.
- (xii) Where no settlement is arrived at between the parties within the time specified above or where the Mediator is of the opinion that the settlement is not possible, the Mediator shall submit a report to the Coordinator, as per **Form-5**. The applicant and the opposite party shall be informed accordingly by the Coordinator.
- (xiii) The Secretary, High Court Legal Services Committee or the Secretary, District Legal Services Authority shall inform the parties regarding the date on which their matter will be placed before Pre-Litigation Lok Adalat for recording compromise.
- (xiv) The Lok Adalat shall upon receipt of Reference from the Secretary, High Court Legal Services Committee or the Secretary, District Legal Services Authority, examine the settlement and relevant records and accordingly may accept the compromise or settlement between the parties. Such compromise or settlement accepted by the Lok Adalat shall be treated as an award under Section 21 of the Legal Services Authorities Act, 1987 or

according to the National Legal Services Authority (Lok Adalat) Regulation, 2009 by following procedure as per law.

- (xv) Where no award is made by the Lok Adalat on the ground that compromise or settlement could not be arrived at between the parties or is not in accordance with law, to be recorded in writing, the necessary records of the matter shall be returned by it to the Secretary, High Court Legal Services Committee or the Secretary, District Legal Services Authority from which the reference has been received.
- (xvi) All proceedings before a Lok Adalat shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code and every Lok Adalat shall be deemed to be a Civil Court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 as per the Section 22(3) of Legal Services Authorities Act, 1987.
- (xvii) Expenses of Proceedings :-
1. The expenses of proceedings of Pre-Litigation Mediation will be borne from the funds available with the State Legal Services Authority.
  2. The Mediators shall be paid honorarium as under :-

<b>S.No.</b>	<b>Particulars</b>	<b>Honorarium</b>
1.	On settlement through Pre-Litigation Mediation	Rs. 5000/- per case
2.	In case of no settlement (in case the party fail to arrive at an amicable settlement despite three effective hearings)	Rs. 2500/-

It is subject to revision from time to time as deemed fit by the Hon'ble Chairman and Members of MCPC/Committee for Monitoring the Mediation Centres in the High Court and Subordinate Courts.

**SCHEDULE-I****Form-1****Pre-Litigation Mediation Application Form****[See Rule-26 (A)(iii)]**

1. Name of the Applicant(s) : \_\_\_\_\_
2. Address : \_\_\_\_\_  
Contact No. \_\_\_\_\_ E-mail:- \_\_\_\_\_
3. Name of the Opposite Party(s): \_\_\_\_\_  
Address : \_\_\_\_\_  
Contact No. \_\_\_\_\_ E-mail : \_\_\_\_\_
4. Nature of Dispute : \_\_\_\_\_  
\_\_\_\_\_
5. Enclosure : Self attested copy of Aadhaar Card of the Applicant.

**Undertaking**

I, the above mentioned applicant, do hereby solemnly affirm and declares as under :

1. That, the case/dispute mentioned above, has arisen out of legal relationship.
2. That I desire to get my dispute resolved through Mediation and would abide by the terms of settlement to be reached between the parties.
3. That I also undertake to abide by the terms and conditions of Pre-Litigation Mediation.
4. That I have neither initiated any civil or criminal proceedings in the present matter, nor I am aware of any proceedings pending in any court of law in respect of the matter in which I desire to get my dispute resolved through Pre-Litigation Mediation.

Dated :

Signature of the Applicant

**FOR OFFICE USE ONLY**

(i) Application received on :- \_\_\_\_\_

(ii) Pre-Litigation Registration Number :- \_\_\_\_\_

**Form-2****Notice to the Opposite Party(s) for Pre-Litigation Mediation****[See Rule-26 (A)(vi)]**

To,

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1. Whereas a Pre-Litigation dispute has been submitted to (Name of the Mediation Centre) \_\_\_\_\_  
by (Name of the applicant) \_\_\_\_\_  
against (Name of Opposite Party) \_\_\_\_\_  
requesting for Pre-Litigation mediation in terms of Rule 26(A) of the Chhattisgarh Mediation (Amendment) Rules, 2023. A copy of the mediation application form is attached herewith.
2. You being the Opposite party(s) is hereby directed to appear in person or through your duly authorized representative or Counsel on \_\_\_\_\_(date) \_\_\_\_\_ (time) at the (Mediation Centre Address) and convey your consent to participate in the Pre-Litigation Mediation process.
3. Your failure to appear before the Mediation Centre on the scheduled date and time would be deemed as your refusal to participate in the Pre-Litigation Mediation process initiated by the applicant.
4. In case, you require to reschedule the date and time of appearance, the same can be done either by you or through your authorized representative or counsel by making a request in writing at least two days prior to the scheduled date of appearance.

Date :

Signature of the Coordinator

### **Form-3**

#### **Non-Starter Report** **[See Rule-26 (A)(vii)]**

Name and Address of the Mediation Centre : \_\_\_\_\_

\_\_\_\_\_

1. Name of the Applicant(s) : \_\_\_\_\_

2. Date of application for Pre-Litigation Mediation : \_\_\_\_\_

3. Name of the Opposite Party(s) : \_\_\_\_\_

4. Date scheduled for appearance of Opposite Party(s) : \_\_\_\_\_

5. Non-Starter Report reason : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date :

Signature of the Coordinator

**Form-4****Settlement Agreement****[See Rule-26 (A)(ix)]**

Name and Address of the Mediation Centre : \_\_\_\_\_

1. Name of the Mediator : \_\_\_\_\_

2. Name of the Applicant(s) : \_\_\_\_\_

3. Name of the Opposite Party(s) : \_\_\_\_\_

4. Date of application for Pre-Litigation Mediation : \_\_\_\_\_

5. Date(s) of Mediation : \_\_\_\_\_

6. No. of sittings and duration of sittings : \_\_\_\_\_

7. Terms of settlement (attach separate sheets if required) : \_\_\_\_\_

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Date :

Signature of Applicant(s)

Signature of Opposite Party(s)

Signature of Mediator

Endorsement of Coordinator : \_\_\_\_\_

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Signature of Coordinator



**Form-5****Failure/Unsuccessful Report****[See Rule-26 (A)(xii)]**

Name and Address of the Mediation Centre : \_\_\_\_\_

1. Name of the Mediator : \_\_\_\_\_

2. Name of the Applicant(s) : \_\_\_\_\_

3. Name of the Opposite Party(s) : \_\_\_\_\_

4. Date of application for Pre-Litigation Mediation : \_\_\_\_\_

5. Date(s) of Mediation : \_\_\_\_\_

6. No. of sittings and duration of sittings : \_\_\_\_\_

7. Terms of reasons for failure (attach separate sheets if required) : \_\_\_\_\_

Date :

Signature of Applicant(s)

Signature of Opposite Party(s)

Signature of Mediator

Endorsement of Coordinator : \_\_\_\_\_

Signature of Coordinator

BY order of Hon'ble the High Court

Sd/-

(Arvind Kumar Verma)  
Registrar General